

# SANDLER REIFF

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December 16, 2015

Via E-Mail

Jeff S. Jordan, Esq.  
Supervisory Attorney  
Federal Election Commission  
999 E Street, N.W.  
Washington D.C. 20463

Re: MUR 6973

Dear Mr. Jordan:

I serve as counsel to Daniel Chavez in the above referenced matter. Although allegations concerning Mr. Chavez have been made in this matter, those allegations pertain solely to the types of funds used by Ruben Kihuen to pay Mr. Chavez. Thus, those allegations do not allege any wrongdoing by Mr. Chavez. Even, assuming *arguendo*, that any allegations made in the complaint could lead to a violation by Mr. Kihuen's campaigns, none of the allegations in the complaint allege any wrongdoing by Mr. Chavez. Therefore, as a matter of Commission enforcement policy, Mr. Chavez should not have been named as a Respondent in this matter. See MUR 4960.

Notwithstanding the fact that the complaint did not allege any facts that would lead to any violation of the Federal Election Campaign Act by Mr. Chavez, Mr. Chavez was properly paid by Mr. Kihuen's campaign for State Senate for work undertaken by Mr. Chavez exclusively for non-federal activities.

Attached to this response, please find a declaration from Mr. Chavez in which he confirms payments received by Mr. Kihuen's non-federal committee were for work undertaken exclusively for non-federal activity and those payments were appropriate and legal. As Mr. Chavez confirms in his declaration, all non-federal work for Mr. Kihuen was completed prior to his decision to run for federal office. However, due to a delay in invoicing and payment, two of those payments were paid subsequent to Mr. Kihuen's decision to run for federal office.

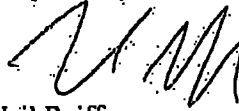
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Based upon the above, this matter must be dismissed

Respectfully submitted,



Neil Reiff

Counsel for Ruben Kihuen, Ruben Kihuen  
for Congress, and Jay Petterson, in his  
official capacity as Treasurer

0067004440061

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

IN RE

Daniel Chavez

MUR 6973

**Declaration of Daniel Chavez**

1. My name is Daniel Chavez. I am a political consultant and have an expertise in political analysis, notably in the analysis of voter trends.
2. In August of 2011, I was retained by Ruben Kihuen to review state legislative districts for Mr. Kihuen. Mr. Kihuen was an incumbent State Senator and requested analysis as to how the redrawn state legislative districts affected his State Senate electoral map. This analysis was limited exclusively to state elections and did not contain any analysis for federal redistricting.
3. In addition to redistricting analysis, I was retained by Mr. Kihuen to provide analysis for the purposes of drafting legislation regarding a proposed Nevada Dream Act to be sponsored by Mr. Kihuen in the Nevada legislature.
4. For the services described above, it was agreed that Mr. Kihuen's State Senate campaign committee would compensate me at a flat rate of \$5,500 per month. Based upon a pro-rata rate for the partial month worked on these issues, I issued total invoices to the campaign of \$4,745.
5. In September of 2011, Mr. Kihuen decided that he would seek election to the United States Congress. While Mr. Kihuen ultimately decided not to pursue this candidacy, upon Mr. Kihuen's initial decision I ceased all work for his non-federal elections and was separately retained to assist on his federal campaign activities.
6. Payments made to me in September and October of 2011 from Mr. Kihuen's state campaign committee merely reflect a residual delay in invoicing and payment of my August 2011 work on behalf of his State Senate activities and are in no way related to any federal campaign activity. Any work undertaken for Mr. Kihuen's short federal campaign was paid to me directly from his federal campaign committee.

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I declare under penalties of perjury that the foregoing is true and correct to the best of my present knowledge, information and belief. Dated this 15 day of December, 2015.

D. O. Ching  
Daniel Chavez

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FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, DC 20463

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STATEMENT OF DESIGNATION OF COUNSEL

Please only sign for each Respondent/Witness

FAX 202-219-3923

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MUR # 6973

Name of Counsel: Neil P. Reiff

Firm: Sandler Reiff Lambry Rosenblum & Blackstock, PC

Address: 1025 Vermont Ave NW # 310  
Washington, DC 20005

Telephone: 202 479-1111 Fax: 202 479-1115

E-mail: reiff@sandlerreiff.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date: 12-4-2015 Signature (Respondent/Agent): [Signature] Title: \_\_\_\_\_

RESPONDENT: DANIEL CHAVEZ  
(Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address:  
(Please Print) WEST SACRAMENTO, CA 95691

Telephone (H): \_\_\_\_\_ (W): \_\_\_\_\_

E-mail: \_\_\_\_\_

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(1)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

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